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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,843	01/13/2000	Marcus Peinado	MSFT-0103/127334.6	7584
41505	7590	06/20/2007	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)			ZURITA, JAMES H	
CIRA CENTRE, 12TH FLOOR			ART UNIT	PAPER NUMBER
2929 ARCH STREET			3625	
PHILADELPHIA, PA 19104-2891			MAIL DATE	DELIVERY MODE
			06/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/482,843	PEINADO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 22 March 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 121, 124 and 126-135 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 121, 124, 126-135 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

### ***Response to Amendment***

Applicant's submission filed on 2 March 2007 has been entered.

Applicant amended claims 121, 127, 128, 130, 133.

Claims 121, 124, 126-135 are pending and will be examined.

### ***Response to Arguments***

Applicant's arguments of 2 March 2007 have been fully and carefully considered.

Rejections under 35 USC 112 and 101 are withdrawn in view of amendment.

Applicant argues,

Considering the content of the digital data package distributed in amended Claim 121, Applicant notes that Erickson does not disclose or even suggest that any license issued for the content of the Erickson package should or could have a content provider digital certificate issued and signed by a corresponding content provider private key to show permission from such a content provider for the any Erickson entity to provide the corresponding license as in amended Claim 121 and would not have such a certificate inasmuch as the Erickson system presumes the license provider and content provider are one and the same. Applicant submits that without such a certificate, it follows that the Erickson content package also does not have a content provider public key that is employed to validate the content provider digital certificate of the corresponding license, as is also required by the contents of the digital data package distributed in amended Claim 121. Accordingly, Erickson does not teach all of the elements of the distributed data package as recited in amended independent Claim 121.

In response, the Examiner notes that the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

### ***Claim Objections***

Claim 130 should be amended to read "...provide the digital content package the digital content package comprising..."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 121, 124, and 126-135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson (U.S. Patent No. 5,765,152).

Erickson discloses a computer-readable medium (col. 2, line 61-col. 3, lines 17) having stored thereon a data file and data structure (i.e. a "document" comprising first through sixth data fields containing respective first through sixth data elements). As shown in Fig. 1A, a first data field contains header data, a second data field contains document ID data, a third data field contains content data, a fourth data field contains source work extensions data, a fifth data field contains minimum permissions data, and a sixth data field contains digital document signature

data. Erickson teaches that one of ordinary skill in the art will appreciate that other orderings of the data within the data structure are possible (col. 12, lines 56-58).

Particularly regarding the nature of the Document ID, Erickson teaches:

"Document Identifier 22 uniquely identifies the DOCUMENT 20 by the registration server upon which the DOCUMENT has been registered, and the DOCUMENT's registration or index number on that server. This registration code typically contains the server name and registration index." (col. 11, lines 37-43).

"The VIEWER also facilitates on-line licensing of DOCUMENT packaged works. Based on registration information encapsulated with the data, i.e. the Document ID, the VIEWER contacts the document's registration server and initiates an authorization transaction." (col. 20, lines 51-55).

The Examiner notes that Erickson discloses a total of six distinct data fields (as recited in the instant claims). The Examiner further notes that the only difference between the data file and data structure of the instant claims and the data file and data structure of Erickson lies in non-functionally descriptive material contained within their respective data fields. As such, the content of the non-functionally descriptive material will not distinguish the claimed medium/data file/data structure from the prior art medium/data file/data structure, and, accordingly, one of ordinary skill in the art would have recognized that any modification of such non-functionally descriptive material from that already disclosed in the prior art would not have moved to have distinguished the claimed medium/data file/data structure as a non-obvious variant of the prior art medium/data file/data structure. *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004). See also *In re Gulack*, 703 F.2d 1381, 1385-86, 217 USPQ 401, 404 (Fed. Cir. 1983).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***James Zurita***  
***Primary Examiner***  
***Art Unit 3625***  
8 June 2007



**JAMES ZURITA**  
**PRIMARY EXAMINER**